

May 15, 2007 CPC
June 27, 2007 BS



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0296

Rio 17 Midlothian LLC

Midlothian Magisterial District
North line of Midlothian Turnpike

REQUEST: Conditional Use Planned Development to permit exceptions to Ordinance requirements relative to signage.

PROPOSED LAND USE:

The property has recently been redeveloped for a commercial use (motor vehicle wash). Exceptions to the sign ordinance are requested to permit one (1) freestanding sign in excess of the permitted area and height for the purpose of identifying this business.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION ON PAGE 2.

STAFF RECOMMENDATION

Recommend approval for the following reason:

The proposed size and height of the sign complies with the spirit and intent of the Ordinance to bring new signs in closer conformance to current standards.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

(STAFF/CPC) The Textual Statement dated April 12, 2007 shall be considered the Master Plan. (P)

GENERAL INFORMATION

Location:

North line of Midlothian Turnpike, west of North Providence Road. Tax ID 758-706-Part of 9917.

Existing Zoning:

C-3

Size:

1.2 acres

Existing Land Use:

Commercial

Adjacent Zoning and Land Use:

North, East and West - C-3; Commercial or vacant
South – C-5; Commercial or vacant

UTILITIES; ENVIRONMENTAL; AND PUBLIC FACILITIES

This request will have no impact on these facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Eastern Midlothian Plan which suggests the property is appropriate for a mixture of community-scale (C-3) uses.

Area Development Trends:

Area properties are zoned Community Business (C-3) and General Business (C-5) and are occupied by commercial uses of various intensities.

Zoning History:

On March 8, 2006, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved a rezoning of a 2.2 acre parcel from Community Business (C-3) with Conditional Use Planned Development to Community Business (C-3) (Case 06SN0168). Prior to this rezoning, the property had been occupied by a restaurant use (former Piccadilly Cafeteria). Subsequently, the restaurant was replaced with a motor vehicle wash on a portion of the parcel, which is the subject of the current request.

Signs:

As previously noted, the property was formerly occupied by a restaurant use. The freestanding sign identifying the restaurant measured 126 square feet in area plus a fifty (50) square foot reader board (totaling 176 square feet), and twenty-seven (27) feet in height. Signs for the site are currently regulated by the Ordinance. For new signs, these standards permit one (1) freestanding sign, sixty-two and one-half (62.5) square feet in area with a reader board (fifty (50) square feet without) and fifteen (15) feet in height. Had the applicant refaced the restaurant sign to identify the carwash use, the Ordinance would have permitted an averaging of the existing sign area and height with that permitted for new signs. The intent of this averaging capability is to bring nonconforming signs closer to compliance with current Ordinance requirements. Using this averaging, the sign area permitted would have been 119.25 square feet with a reader board (eighty-eight (88) square feet without) with a height of twenty-one (21) feet, as requested with this application. (Textual Statement)

CONCLUSION

The proposed sign would not exceed the height and area limitations of the Ordinance for the refacing of nonconforming signs had the previous business sign not been removed. Approval of this request will accomplish both a goal of the Ordinance in bringing signage closer to compliance with current Ordinance standards and a goal of the Eastern Midlothian Plan in promoting economic reinvestment in this Corridor.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (5/15/07):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission recommended approval subject to the condition on page 2.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

The Board of Supervisors, on Wednesday, June 27, 2007, beginning at 6:30 p.m., will take under consideration this request.

Textual Statement
Rio Car Wash Rezoning
Case No: 07SN0296
March 7, 2007
Revised April 12, 2007


We hereby request the following exceptions for a freestanding sign identifying a business in a nonresidential community:

1. Area.
 - a. A 56.75 square foot exception to the permitted 62.5 square feet with a reader board.
 - b. A 38 square foot exception to the permitted 50 square feet without a reader board.
2. Height. A six (6) foot exception to the permitted fifteen (15) feet.


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